IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF ALABAMA NORTHERN DIVISION

CHARLES CRENSHAW, #225 358,)
Plaintiff,))
v.) CASE NO. 2:21-CV-1-WHA-CSC) [WO]
KAY IVEY, GOVERNOR OF THE)
STATE OF ALABAMA, et al.,)
Defendants.)

RECOMMENDATION OF THE MAGISTRATE JUDGE

Plaintiff, an inmate incarcerated at the Loxley Work Release Center, filed this 42 U.S.C. § 1983 on January 4, 2021. Plaintiff filed an affidavit in support of a motion for leave to proceed *in forma pauperis*. The motion, however, did not include the required documentation from the inmate account clerk. The Court, therefore, did not have the information necessary to determine whether Plaintiff should be allowed to proceed *in forma pauperis* in this case and entered an Order on January 5, 2021, directing Plaintiff to provide the Court with this information on or before January 19, 2021. Doc. 3 at 1–2. The Court specifically cautioned Plaintiff that failure to comply with the January 5 Order would result in a recommendation this case be dismissed. *Id.* at 2.

The requisite time has passed and Plaintiff has not complied with the Court's January 5, 2021, Order. The Court, therefore, concludes this case is due to be dismissed. *Moon v. Newsome*, 863 F.2d 835, 837 (11th Cir. 1989) (holding that as a general rule, where a litigant has been forewarned, dismissal for failure to obey a court order is not an abuse of discretion.); *see also Link v. Wabash R.R. Co.*, 370 U.S. 626, 629–31 (1962) (acknowledging that the authority of courts to impose sanctions for failure to prosecute or obey an order is longstanding and empowers courts "to manage their own affairs so as to achieve the orderly and expeditious disposition of cases."); *Mingo v. Sugar Cane Growers Co-Op of Fla.*, 864 F.2d 101, 102 (11th Cir. 1989) (holding that

"[t]he district court possesses the inherent power to police its docket. The sanctions imposed

[upon dilatory litigants] can range from a simple reprimand to an order dismissing the action with

or without prejudice.").

Accordingly, it is the RECOMMENDATION of the Magistrate Judge that this case be

DISMISSED without prejudice for Plaintiff's failures to comply with the orders of the Court and

to prosecute this action.

Plaintiff may file objections to the Recommendation on or before March 23, 2021. Any

objections filed must specifically identify the factual findings and legal conclusions in the

Magistrate Judge's Recommendation to which Plaintiff objects. Frivolous, conclusive or general

objections will not be considered by the District Court. This Recommendation is not a final order

and, therefore, it is not appealable.

Failure to file written objections to the proposed findings and recommendations in the

Magistrate Judge's report shall bar a party from a de novo determination by the District Court of

factual findings and legal issues covered in the report and shall "waive the right to challenge on

appeal the district court's order based on unobjected-to factual and legal conclusions" except upon

grounds of plain error if necessary in the interests of justice. 11TH Cir. R. 3-1; see Resolution Trust

Co. v. Hallmark Builders, Inc., 996 F.2d 1144, 1149 (11th Cir. 1993); Henley v. Johnson, 885

F.2d 790, 794 (11th Cir. 1989).

Done, this 9th day of March 2021.

/s/ Charles S. Coody

CHARLES S. COODY

UNITED STATES MAGISTRATE JUDGE

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